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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,425	11/24/2003	Denis Chevalier	FR920020079US1	6092
23550 7590 06/01/2007 HOFFMAN WARNICK & D'ALESSANDRO, LLC 75 STATE STREET 14TH FLOOR ALBANY, NY 12207			EXAMINER REZA, MOHAMMAD W	
			ART UNIT 2136	PAPER NUMBER
			MAIL DATE 06/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/720,425	Applicant(s) CHEVALIER ET AL.	
	Examiner Mohammad W. Reza	Art Unit 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the RCE filed on 03/26/2007.
2. Claims 1-9 have been pending in the application.
3. Claims 1-9 have been rejected.

Continued Examination Under 37 CFR 1.114

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/14/2006 has been entered.

Response to Amendment

5. The examiner approves the cancellation of claim 10.

Response to Arguments

6. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al hereafter Jones (US patent application 20030212800) in view of Hood et al hereafter Hood (US Patent application 20020169836).

8. As per claim 1, and 9 Jones discloses a method and apparatus comprising the steps of: upon reception of an access request, including at least a subscriber identifier, a service provider identifier and a password, at said at least one point of presence (paragraphs 0007-0008, 0011): determining, according to said service provider identifier, if said access request comes from a subscriber of said master service provider or from a subscriber of said client service provider, said access request being rejected otherwise; if said access request comes from a subscriber of said master service provider, determining, using said subscriber identifier and said password, if said subscriber is authorized to establish a connection; and, if said subscriber is authorized, establishing a connection, else, rejecting said access request (paragraphs, 0009-0010, 0021-0023); else, if said access request comes from a subscriber of said client service provider, determining if a new connection may be established for a subscriber of said client service provider; and, if a new connection may be established, sending an authorization request, comprising at least said subscriber identifier and said password,

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to said client service provider, else, rejecting said access request; upon reception of an authorization acknowledgment, comprising said subscriber identifier, from said client service provider if said subscriber is authorized, establishing a connection (paragraphs, 0025-0028). Although, Jones discloses multiple service providers would use the same channel for accessing the network (paragraphs, 0021-0023), he does not explicitly disclose sharing network access capacity across the established connection between the master service provider and the client service provider else, rejecting said access request. Nevertheless, it is well known in the network security art at the time of invention that while multiple service providers use the same channel they would share the access capacity to properly and effectively using the channel bandwidth. Exemplary of this is Hood who discloses sharing network access capacity across the established connection between the master service provider and the client service provider else, rejecting said access request (paragraphs, 0007, 0024).

Accordingly, it would been obvious to one of ordinary skill in the network security art at the time of invention was made to have incorporated Hood's teachings of shaing the network access capacity for connection establishment with the teachings of Jones, for the purpose of suitably using network access capacity for several service provider in same common channel (paragraphs, 0001-0008).

9. As per claim 2, Jones discloses the method comprising the step of replacing said subscriber identifier and said password by a virtual subscriber identifier and a virtual password, associated to said service provider identifier, when said access request comes from a subscriber of said client service provider, before determining if a new

connection may be established for a subscriber of said client service provider (paragraphs, 0009-0010, 0021-0023).

10. As per claim 3, Jones discloses the method comprising the step of determining a duration of the connections established by subscribers of said client service provider (paragraphs 0007-0008, 0011).

11. As per claim 4, Jones discloses the method comprising the step of determining a number of simultaneous connections established by subscribers of said client service provider (paragraphs 0007-0008, 0011).

12. As per claim 5, Jones discloses the method wherein said step of determining if a new connection may be established for a subscriber of said client service provider is based upon a number of ports allocated to said client service provider (paragraphs, 0009-0010, 0021-0023).

13. As per claim 6, Jones discloses the method wherein said step of determining if a new connection may be established for a subscriber of said client service provider is based upon a connection time threshold associated with said client service provider (paragraphs, 0025-0028).

14. As per claim 7, Jones discloses the method implemented in a RADIUS proxy, using RADIUS protocol (paragraphs, 0067, 0068).

15. As per claim 8, Jones discloses the method wherein said service provider identifier is a realm (paragraphs 0007-0008, 0011).

Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad w. Reza whose telephone number is 571-272-6590. The examiner can normally be reached on M-F (9:00-5:00).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MOAZZAMI NASSER G can be reached on (571)272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mohammad Wasim Reza

AU 2136

NASSER MOAZZAMI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100


5,29,07